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|-----------------|-------------|----------------------|---------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|

09/490,147 01/24/00 FREEL

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EXAMINER

MYERS, H  
ART UNIT

PAPER NUMBER

1764  
DATE MAILED:

09/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/490,147

Applicant(s)

FREEL, ET AL

Examiner

Helene Myers

Group Art Unit

1764



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-80 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-80 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following claims have been cancelled 4, 6, 18-20, 29, 33, 35, 43, 49-50, 60-61, 71-72.

Claims 7-21, 11, 13, 77-47, 24-28, 36-43, 44-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jessup et al and Taneko or Fletcher.

#### Response to Arguments

The argument that the Jessup references does not address the difficulties of blending a low-emission, high-octane gasoline blend suitable for summer is not persuasive because Jessup does disclose blending an unleaded gasoline composition. This gasoline has a Reid vapor pressure of less than 7.0 psi an octane number of at least 90. These values are the same as the claimed values. Additionally, Jessup does not require the presence of oxygenates in the gasoline. Therefore, the examiner maintains that Jessup does disclose blending a gasoline that has the claimed characteristics including being substantially free of oxygenates.

The argument that the amount of sulfur contained in the gasoline as suggested by the prior art far exceeds that which is claimed is not persuasive. The Townsend teaching is that the gasoline contains less than about 30 to about 50 parts per million by weight sulfur. The use of the expression "less than" suggests sulfur amounts within the claimed ranges.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Helane Myers at telephone number (703) 308-3323.

Helane Myers/om  
September 8, 2001



HELANE MYERS  
PRIM

HELANE MYERS  
PRIMARY EXAMINER  
UNIT 1764